1104.

SUPREME COURT OF THE UNITED STATES.

No. 85.

ROBERT WHITE, PLAINTIFF IN ERROR,

vs.

HENRY ADDISON, DEFENDANT IN ERROR.

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J. & G. S. Gideon, printers.

Writ of Error.

UNITED STATES OF AMERICA:

The President of the United States, to the judges of the circuit court of the District of Columbia, sitting for the county of Washington, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said court before you, or some of you, wherein Robert White is plaintiff, and Henry Addison is defendant, a manifest error hath happened, to the great damage of the said plaintiff, as by his complaint appears; we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid, in this behalf, do command you, if judgment be therein given, that under your hand, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the second Monday of January, inst., in said Supreme Court, to be then and there held; and that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, which of right, and according to the laws and custom of the United States, should be done. Witness the Hon. Roger B. Taney, chief justice of said Supreme Court.

Issued this 7th day of January, 1843.

W. BRENT, *Clerk.*

Citation.

DISTRICT OF COLUMBIA, *to wit*:

The United States of America, to Henry Addison, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, on the second Monday of January, instant, pursuant to a writ of error filed in the clerk's office of the circuit court of the District of Columbia, for the county of Washington, wherein Robert White is plaintiff in error, and you are defendant in error, to show cause, if any there be, why judgment rendered against the said Robert White, in the said writ of error mentioned, should not be correct, and why speedy justice should not be done to the parties in this behalf.

Witness the Hon. W. Cranch, chief judge of the circuit court of the District of Columbia, this 7th day of January, 1843.

W. CRANCH.

Service acknowledged. MARBURY.

Copy of appeal bond.

Know all men by these presents, that we, Robert White and Ebner G. Brown, all of Washington county, in the district of Columbia, are held and firmly bound unto Henry Addison, in the full and just sum of three hundred dollars, current money of the United States, to which payment, well and truly to be made and done, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this seventh day of January, 1843.

Whereas, lately, at a circuit court of the District of Columbia, sitting for the county of Washington, in a suit pending in the said court, wherein the said Robert White was plaintiff, and the said Henry Addison was defendant, judgment was rendered against the said plaintiff, and he having obtained a writ of error and filed a copy thereof in the clerk's office of the said circuit court, to reverse the judgment in the aforesaid suit, and a citation, directed to the said Henry Addison, citing and admonishing him to be and appear at a Supreme Court of the United States, to be holden at Washington on the second Monday in January, instant.

Now the condition of the above obligation is such, that if the said Robert White shall prosecute his writ with effect, and answer all damages and costs if he fails to make his plea good, then the above obligation to be null and void, otherwise to be and remain in full force and virtue in law.

ROBERT WHITE, [SEAL.]
EBEN G. BROWN. [SEAL.]

Signed, sealed and delivered in the presence of—

Approved. J. S. MORSELL,
Assistant Judge Circuit Court, Dist. Col.

January 7th, 1843.

Style of Court.

DISTRICT OF COLUMBIA, *Sct.*

At a circuit court of the District of Columbia, begun and held in and for the county of Washington, at the city of Washington, on the fourth Monday of November, being the twenty-eighth day of the same month, in the year of our Lord one thousand eight hundred and forty-two, and of the independence of the United States the sixty-seventh. Present, the Hon. William Cranch, chief judge, Buckner Thruston and James S. Morsell, associate judges, Alexander Hunter, esq., marshal, William Brent, clerk.

In the record of the proceedings of the said court, among others, is the following, to wit:

Parties.

ROBERT WHITE
vs.
HENRY ADDISON.

Be it remembered, that heretofore, to wit, in the eighteenth day of November, in the year of our Lord one thousand eight hundred and forty-one, the said plaintiff, by Brent & Brent, esqrs., his attorneys, prosecuted and sued forth out of the circuit court here the United States writ of capias ad respondendum, directed to the marshal of the District of Columbia, in the words and of the tenor following, to wit:

Capias ad respondendum.

DISTRICT OF COLUMBIA, *to wit:*

The United States of America to the marshal of the District of Columbia, greeting:

We command you, that you take Henry Addison, late of Washington county, if he shall be found within the county of Washington, in your said district, and him safely keep, so that you [have] his body before the circuit court of the District of Columbia, to be held for the county aforesaid, at the city of Washington, on the fourth Monday of November, instant, to answer unto Robert White in a plea of trespass on the case, and so forth. Hereof fail not at your peril, and have you then and there this writ.

Witness W. Cranch, esq., chief judge of our said court, at the city of Washington, the 18th day of May, anno domini one thousand eight hundred and forty-one.

Issued the 18th day of November, 1841.

B & B. W. BRENT, *Clerk.*

And the aforesaid plaintiff, on the day of prosecuting and suing forth of the writ, declared against the said defendant in the plea aforesaid, in form following, to wit:

Narr.

DISTRICT OF COLUMBIA, *Washington county, to wit:*

Henry Addison, late of Washington county, yeoman, was attached to answer unto Robert White in a plea of trespass on the case, and so forth.

And whereupon the said plaintiff, by Brent & Brent, and Francis S. Key, his attorneys, complains, for that whereas previous to and at the time of committing the several grievances by the defendant, as hereinafter mentioned, the plaintiff was an officer of the United States, holding the office [of] collector of the customs for the District, and inspector of the revenue for the port of Georgetown, in the District of Columbia, holding the said office under the authority of and according to the Constitution and laws of the United

States; yet the defendant, well knowing the premises, but greatly envying the happy state and condition of the plaintiff, and contriving to charge and falsely accuse the said plaintiff with misbehaviours in his said office, and wickedly and maliciously intending to injure the plaintiff in his good name, fame and credit, and to bring him into public scandal, infamy and disgrace with and amongst all his neighbors, and other good and worthy citizens of the county aforesaid; and falsely to accuse the said plaintiff with misbehaviour in office, and thereby cause the plaintiff to be removed from his said office, heretofore, to wit, on the 26th June, 1841, at Georgetown, to wit, at the county aforesaid, falsely, wickedly and maliciously did compose and publish, and cause to be composed and published, of and concerning the said plaintiff, and of and concerning his said office, and his conduct in said office, a certain false, malicious and defamatory libel, containing, amongst other things, the false, scandalous, malicious, defamatory and libellous matter, of and concerning the said plaintiff, and of and concerning his said office, and his conduct and character in the said office, as follows, that is to say, we, (meaning the defendant and William S. Nichols, William Robinson, Otho M. Linthicum, Edward M. Linthicum, Raphael Semmes, Paul Stevens and Charles C. Fulton,) feel it to be proper to put you (meaning his Excellency, John Tyler, President of the United States, to whom the said libel was addressed) in possession of the grounds upon which the removal of Mr. Robert White (meaning the plaintiff,) from the office of collector of customs of this port (meaning the office then and there held by the plaintiff as aforesaid) is requested. You (meaning the said President of the United States) will recollect the humiliation and prostrate condition of the people of this district (meaning the District of Columbia) about a year ago, when the majority then in Congress determined to destroy our banks, as a punishment upon us for having avowed and published our preference for the candidates of the great Whig party.

It was in that dark season that Mr. White (meaning the plaintiff) determined to desert his own fellow-citizens, and to join in the war which was making upon their liberties and interests.

Being then seeking office, he (meaning the plaintiff) sought to recommend himself to the Executive, by getting up a memorial here, which was to be used as a sanction or approval, on the part of our own citizens, of the mad policy which had been adopted by their oppressors. He (meaning the plaintiff) then joined with an assemblage of forty-eight persons in getting up a memorial, which none but themselves could be induced to sign. These memorialists, with about five exceptions, could not be identified by name or residence as citizens of Georgetown. Upon investigation they proved to be apprentices and journeymen, holding a transient residence in the town. Being few in number, they were, no doubt, believed by Congress, and persons at a distance, to be a select body

of merchants and traders who had some knowledge of the subject of the memorial.

A copy of the memorial has been deposited with the Secretary [of the] Treasury, (meaning the Treasury of the United States.)

It is, perhaps, one of the vilest calumnies ever issued by a band of thoughtless and irresponsible individuals; many of whom would have shrunk from such a proceeding, had they the necessary intelligence to comprehend its enormity. But not so with Mr. White.

He (meaning the plaintiff) knew the paper contained an unmitigated slander.

He (meaning the plaintiff) seemed to be willing to blacken the character of those of his fellow-citizens, who had been entrusted with the charge of our banks, if that would only secure an appointment, when all other methods had failed him for the preceding twelve years. We (meaning the defendant and others) revolt at the idea of Mr. White being permitted to remain in office, whose emoluments flow from the labor and enterprise of the very men whose business and families he (meaning the plaintiff) sought to involve in ruin.

It is impossible that he (meaning the plaintiff) can ever regain the confidence of men whom he abandoned and vilified in the darkest hour of their existence.

His expulsion from office (meaning the expulsion of the plaintiff from his office aforesaid) is no less demanded by his unpardonable conduct than by justice to the wounded feelings of an injured community.

About the same time, June, 1840, with the persons under his influence, and, as is believed, at the request of an office-holder of great political rancour, Mr. White (meaning the plaintiff) procured Dr. Duncan, then a member of Congress from Ohio, to deliver a speech here in abuse of General Harrison (meaning the late President of [the] United States.)

The speech was, perhaps, the very vilest that ever was delivered by that gentleman.

And whereas, also, the said defendant intending and contriving to cause the plaintiff to be removed from the office then held by him as aforesaid, yet the defendant, well knowing the premises, but greatly envying the happy state and condition of the said plaintiff, and contriving to charge and falsely accuse the said plaintiff with misbehavior in his said office, and wickedly and maliciously intending to injure the plaintiff in his good name, fame, and credit, and to bring him into public scandal, infamy and disgrace, with and amongst all his neighbours, and other good and worthy citizens of the county aforesaid; and falsely to accuse the said plaintiff with misbehavior in office, and thereby cause the plaintiff to be removed from his said office, heretofore, to wit, on the 26th June, 1841, at Georgetown, to wit, at the county aforesaid, falsely, wickedly and maliciously, did compose and publish, and cause to be composed and

published, of and concerning the plaintiff, and of and concerning his said office, and his conduct in said office, a certain false, malicious and defamatory libel containing, amongst other things, the false, scandalous, malicious, defamatory and libellous matter, of and concerning the plaintiff, and of and concerning his said office, and his conduct and character in the said office, as follows, that is to say—

Mr. White's was the place (meaning) where the leading members of his party nightly assembled up to the close of the presidential election, (meaning the election of 1840;) and a respectable citizen declares that, since Mr. White's appointment, (meaning the plaintiff's appointment to the office aforesaid,) he (meaning the plaintiff) circulated bushels of the "Globe," (meaning a political paper called the "Globe." He (meaning the respectable citizen aforesaid) declines to give his (meaning the respectable citizen's) formal evidence in the case, upon the ground that he, (meaning the respectable citizen,) being a near neighbor of Mr. White, (meaning the plaintiff,) he (meaning the respectable citizen) is unwilling to disturb the friendly personal relations subsisting between them.

Such was Mr. White's (meaning the plaintiff's) general political violence, and the unhesitancy with which he (meaning the plaintiff) descended to the lowest means to secure the favor of the late administration, that no one doubted here but that he (meaning the plaintiff) would be dismissed when the present party came into power, and no one can be more astonished than Mr. White (meaning the plaintiff) is himself at his retention (meaning his retention in the office aforesaid) to the present time.

By reason of publishing of which said several libels, the said plaintiff saith that he hath been and is greatly injured in his good name, fame and credit, with and amongst his neighbors, friends and acquaintances.

And by reason of the publishing of which said several libels, the plaintiff saith that he was heretofore, to wit, on the 12th day of July, 1841, at the county aforesaid, removed from his office aforesaid, and was thereby deprived of the emoluments and income of said office, amounting to a large sum of money, to wit, the sum of three thousand dollars annually, and hath been otherwise greatly injured; whereby the said plaintiff saith that he hath damage, and is the worse to the value of twenty-five thousand dollars, and therefore he brings suit, and so forth.

JOHN DOE & RICHARD ROE. } Pledges.

BRENT & BRENT, *for Plff.*

Nov. Term, 1841.—At which mentioned fourth Monday of November, in the year of our Lord one thousand eight hundred and

forty-one, and the day of the return of the foregoing writ, comes again into the circuit court here, the said plaintiff, by his attorney aforesaid.

Marshal's return.

And the marshal of the district aforesaid, to whom the sa aforegoing writ was in form aforesaid directed, makes return thereof to the court here thus endorsed, to wit:

"Cepi." A. HUNTER, *Marshal.*

Defendant's appearance.—Rule plea.—Imparlance to March term, 1844.

And the said defendant being called, appeared in court here, by John Marbury, esq., his attorney; whereupon, on motion of the said plaintiff, by his attorney aforesaid, it is ruled by the court here that the said defendant answers to the declaration aforesaid of the said plaintiffs, in the plea aforesaid, or judgment by the court here will be entered against him in default thereof; and thereupon the said defendant, by his attorney aforesaid, defends the force and injury, when and so forth, and prays leave of the court here to imparle until the fourth Monday of March next, and then to answer to the declaration aforesaid of the said plaintiff in the plea aforesaid, and to him it is granted; the same day is given to the said plaintiff also.

Plea of not guilty and issue joined.—Venire facias to November term, 1842.

At which mentioned fourth Monday of March, in the year of our Lord one thousand eight hundred and forty-two, to which said day the said defendant had leave to imparle, and then to answer to the declaration aforesaid of the said plaintiff in the plea aforesaid, comes again into the circuit court here, as well the said plaintiff, by his attorney aforesaid, as the said defendant, by his attorney aforesaid, as before defends the force and injury, when and so forth, and saith that he is not guilty of the premises, in manner and form as the aforesaid plaintiff above against him hath complained; and of this he puts himself upon the country. And the said plaintiff, by his attorney aforesaid, in like manner, and so forth; therefore let a jury thereon appear before the court here, on the fourth Monday of November next, by whom and so forth, and who neither and so forth, to recognise and so forth, because as well and so forth; the same day is given to the said parties then and there, and so forth.

And now at this day, to wit, the said fourth Monday of November, in the year of our Lord one thousand eight hundred and forty-two, comes again into the circuit court here, as well the said plaintiff, by his attorney aforesaid, as the said defendant, by his attorney aforesaid; whereupon, for trying the issue aforesaid, it is ordered by the court here that twenty persons from the pannel of petit jurors

return to the court here by the marshal of the District of Columbia, be drawn by ballot, according to the act of assembly in such case made and provided; and thereupon the twenty persons being so drawn and written upon two lists, and one of said lists being given to each of the counsel for the respective parties, and the said counsel having stricken out four persons from each of the said lists, the remaining twelve being called, came, to wit:

Jury.

1. Alexander Borland,
2. William A. Williams,
3. Robert K. Nevitt,
4. Louis Beeler,
5. Edward Fenwick,
6. James Middleton,
7. Jno. L. Brightwell,
8. Edmund Brooke,
9. Charles Wallach,
10. Nicholas Callan, jr.,
11. A. B. Lindsley,
12. Jos. C. Dawes.

Verdict of not guilty.—Judgment on verdict for defendant.

Who being empannelled and sworn to say the truth in the premises, upon their oath do say, that the said defendant is not guilty of the premises in manner and form as the aforesaid plaintiff above against him hath complained; therefore it is considered by the court here that the said plaintiff take nothing by his writ and declaration aforesaid, but that he be in mercy for his false clamor, and that the said defendant go thereof without day, &c.; and it is also considered by the court here that the said defendant recover against the said plaintiff the sum of dollars and cents, by the court here, unto him the said defendant, on his assent, adjudged for his costs and charges by him about his defence in this behalf laid out and expended.

Test: W. BRENT, *Clk.*

Mem.

Memorandum.—Before the jurors aforesaid retired from the bar of the court here, the aforesaid plaintiff, by his attorney aforesaid, filed in court here the following bills of exceptions, to wit:

Plaintiff's first bill of exceptions.

ROBERT WHITE,
vs.
WM. S. NICHOLAS and al.

SAME,
vs.
HENRY ADDISON.

In the trial of these causes, the plaintiff, to support the issues on his part, offered evidence to show that he was duly appointed to the office set forth and described in the declaration, on the 21st day of July, 1840; and that he was acting as such officer from that time till the 9th day of July, 1841, when he was removed from of-

fice, and the defendant, Henry Addison, appointed in his place; and then further offered in evidence a written paper, (copied in page 30,) and proved that the same was in the handwriting of the defendant Addison, and that the signatures thereto were in the handwriting, respectively, of the several defendants; that the said paper so written and subscribed was sent to the President of the United States, and by him sent to the Treasury Department, where it was filed on or before the 30th June, 1841, and kept by a clerk of that Department having charge of such papers, and shown on one occasion to one person by him—which person had called to see it at the request of the plaintiff; and also on another occasion *occasion* to another person.

And the plaintiff further offered evidence that one of the said defendants, whom he named, said, about the time of signing the said paper, and before the plaintiff was turned out of office, that the plaintiff had signed a memorial against the banks in the District, and swore that he would have him turned out of office.

And also offered evidence that another of said defendants, also named, had on one occasion said, after the said paper had been sent to the President, that he had made no charges against the plaintiff; and on another occasion he stated he had made charges, and that he could prove against the plaintiff more than he had so charged.

And the plaintiff further proved that the said paper, so written and subscribed, was shown to a citizen of Georgetown, for the purpose of being subscribed by him, who refused so to do, because he was not acquainted with all the facts stated in said paper.

And the plaintiff, upon the evidence aforesaid, offered thereupon to read the said paper to the jury; but the court refused to allow the said paper to be read in evidence to the jury.

To which refusal of the court the plaintiff excepts, and prays the court to sign and seal this bill of exceptions, which is done accordingly, this 3d day of January, 1843.

B. THRUSTON, [SEAL.]
JAS. S. MORSELL. [SEAL.]

Plaintiff's second bill of exceptions.—Plaintiff's second bill of exceptions.

ROBERT WHITE, }
vs. }
HENRY ADDISON. }

SAME, }
vs. }
WM. S. NICHOLLS and al. }

And the plaintiff further offered, after the evidence aforesaid in former exceptions had *be* given, to show the malice of defendants in writing, signing, and presenting said paper, to read the said paper, and offered evidence in connexion therewith of the falsehood of the charge therein stated, which the court also refused, and the

plaintiff excepts to said refusal, and prays the court to sign and seal this bill of exceptions, which is done accordingly, this 3d January, 1843. B. THRUSTON, [SEAL.] JAS. S. MORSELL. [SEAL.]

Plaintiff's 3d bill of exceptions.—Plaintiff's 3d bill of exceptions.

ROBERT WHITE vs. HENRY ADDISON.

SAME vs. WM. S. NICHOLLS & al.

And the plaintiff, after the evidence was offered, as stated in the first and second bill of exceptions, and after the opinion had been given by the court as therein stated, then offered to prove, by substantial evidence, for the purpose of showing malice in the defendants in writing, signing, and presenting the said paper, that the charge contained in the said paper, of the plaintiff's having lost the confidence of the men from whose labors and enterprise the emoluments of his office flowed, was false, malicious, and without probable cause; that all the persons doing business with the said plaintiff, as such officer in his said office, during all the time of his continuing in office, were General Walter Smith, Henry McPherson, John Hopkins, and Jabez Travers—all which persons the plaintiff now offer as *as* witnesses to prove that the plaintiff had never lost their confidence, but that they always continued their confidence in the plaintiff, and approved of his conduct as such officer. And, also, further to falsify the said charge, the plaintiff offers to prove that an election was held in Georgetown, in February, 1841 and 1842, for a common councilman in said town—in which election a majority of the qualified voters of said town voted for the plaintiff; and he was elected to the common council, notwithstanding the active opposition of several of the defendants.

And the plaintiff also further offered to prove that the charges, in the said paper, of the plaintiff's having descended to the lowest means to secure the favor of the late administration, and that he procured Doctor Duncan to deliver a speech, in Georgetown, in the abuse of General Harrison; and that the plaintiff's was the place where the leading members of his party nightly assembled up to the close of the presidential election; and that the plaintiff, since his appointment to his said office, had distributed bushels of the Globe, were false, malicious, and without probable cause, by producing witnesses to falsify and disprove the said charges, and show that there was no foundation or probable cause for said charges.

But the court was of opinion that such evidence was inadmissible, and refused to allow the same to be given in evidence to the jury—to which refusal the plaintiff, by his counsel, excepts, and

prays the court to sign and seal this bill of exceptions, which is done accordingly, this 3d of January, 1843.

W. CRANCH, [SEAL.]
JAS. S. MORSELL. [SEAL.]

Plaintiff's 4th bill of exceptions.—Plaintiff's 4th bill of exceptions.

ROBERT WHITE
vs.
HENRY ADDISON.

SAME
vs.
WM. S. NICHOLLS & al.

In the further trial of this cause, and after offering the evidence stated in the preceding bills of exceptions, and after the opinions and decisions of the court as therein stated, the plaintiff, by his counsel, in order to show express malice, and the want of all probable cause in the defendants, in writing, and subscribing, and presenting, as before stated, the paper—writing set out in the declaration—and that the same was so written, subscribed, and presented by such defendants, not for the purpose of claiming redress for a grievance in the conduct of a public officer, but maliciously, and from private pique and resentment, and in order that the said paper, with the evidence now to be offered, should go [to] the jury as evidence of malice on the part of the defendants by competent evidence, and the want of probable cause for the charges contained in said paper, and in connexion with such evidence, to offer the said paper in evidence to the jury.

And the defendants, by their counsel, objected to said evidence; and thereupon, *and thereupon*, the court refused to allow the same to be given for the purpose above stated, or for any other purpose; to which the plaintiff, by his counsel, excepts, and prays the court to sign and seal this bill of exceptions, which is done accordingly, this 5th day of January, 1843.

Witness our hands and seals, this 5th day of January, 1843.

B. THRUSTON, [SEAL.]
JAS. S. MORSELL. [SEAL.]

Plaintiff's 5th bill of exceptions.—Plaintiff's 5th bill of exceptions.

ROBERT WHITE
vs.
HENRY ADDISON.

SAME
vs.
WM. S. NICHOLLS & al.

In the further trial of this cause, and after the evidence stated in the preceding bills of exceptions had been offered as stated, and

after the opinions and rejections of evidence, as herein stated, the plaintiff, in support of the issues joined, on his part, for the purpose of proving a publication of the libel charged in the declaration on the part of certain of defendants, whose names are signed to the papers, now offered in evidence the following papers, (the several handwritings of the said defendants, signing the same, being admitted:)

A, copied in page 36,
B, copied in page 41,
C, copied in page 43,

by showing, from the said papers, that the said defendants had referred to and re-asserted the truth of the charges contained in the said libel charged in the declaration; and that such reference and re-assertion was not privileged, and was a publication of the libel, for which said defendants were responsible in this action.

And in the case against Henry Addison, the plaintiff, for a like purpose, and [to] prove in the same way such a publication of the libel charged in the declaration as he was responsible for in this action, offered in evidence a paper, admitted to be in the handwriting of said defendant Henry Addison.

D, copied in page 45.

And the defendants, by their counsel, objected to the admissibility of said papers so offered in evidence.

And the court sustained the said objection, and refused to allow the said paper to be given in evidence; to which opinion and refusal the plaintiff by his counsel excepts, and prays the court to sign and seal this bill of exceptions; which is done accordingly, this 5th day of January, 1843, as witness our hands and seals.

W. CRANCH, [SEAL.]
JAS. S. MORSELL. [SEAL.]

Libel—papers referred to in plaintiff's 1st bill of exceptions, page 20.

GEORGETOWN, *July 26th*, 1841.

SIR: We feel it to be proper to put you in possession of the grounds upon which the removal of Mr. Robert White, from the office of collector of customs of this port, is requested. You will recollect the humiliating and prostrate condition of the people of this district about a year ago, when the majority then in Congress determined to destroy our banks as a punishment upon us for having avowed and published our preference for the candidates of the great Whig party. It was in that dark season that Mr. White determined to desert his own fellow-citizens, and to join in the war which was making upon their liberties and interests. Being then seeking office, he thought to recommend himself to the Executive by getting up a memorial here, which was to be used as a sanction or approval, on the part of our own citizens, of the mad policy which had been

adopted by their oppressors. He then joined with an assemblage of forty-eight persons in getting up a memorial, which none but themselves could be induced to sign. These memorialists, with about five exceptions, could not be identified by name or residence, as citizens of Georgetown. Upon investigation, they proved to be apprentices and journeymen, holding a transient residence in the town. Being few in number, they were no doubt believed by Congress, and persons at a distance, to be a select body of experienced merchants and traders, who had some knowledge of the subject of their memorial. A copy of the memorial has been deposited with the Secretary of the Treasury.

It is, perhaps, one of the vilest calumnies ever issued by a band of thoughtless and irresponsible individuals, many of whom would have shrunk from such a proceeding, had they the necessary intelligence to comprehend its enormity. But not so with Mr. White. He knew the paper contained an unmitigated slander. He seemed to be willing to blacken the character of those of his fellow-citizens who had been entrusted with the charge of our banks, if that would only secure an appointment, when all other methods had failed him for the preceding twelve years.

We revolt at the idea of Mr. White being permitted to remain in an office, whose emoluments flow from the labor and enterprize of the very men whose business and families he sought to involve in ruin.

It is impossible that he can ever regain the confidence of men whom he abandoned and villified in the darkest hour of their existence. His expulsion from office is no less demanded by his unpardonable conduct, than by justice to the wounded feelings of an injured community.

About the same time, June, 1840, with the persons under his influence, and as is believed at the request of an office holder of great political rancor, Mr. White procured Dr. Duncan, then a member of Congress from Ohio, to deliver a speech here in abuse of Genl. Harrison. The speech was, perhaps, the very vilest that was ever delivered by that gentleman.

It was so satisfactory to Mr. White, who acted as vice president on the occasion, that he immediately rose, and moved the Doctor a vote of thanks, and a request that the speech be furnished for publication. The resolutions which were adopted unanimously on the occasion, were nearly as calumnious as the speech itself.

We refer you to the Globe newspaper, of the 3d July last, for an official account of the proceedings of the meeting. We will only trouble you with a few sentences, that you may have some idea of the character of those extraordinary proceedings. They denounced Genl. Harrison, as "the *nominee of the bank Whig* Federalist, abolitionist and anti-masons," "an *abolitionist* of fraud and concealment," as being guilty of pursuing a course "grossly insulting to common sense, honesty, and decency, by shrouding himself in

darkness," "of courting dangerous fanatics, and countenancing them (abolitionists) in their mad warfare upon our peace, our property, and our lives," and "that he should be treated as an *abolitionist*."

Mr. White's was the place where the leading men of his party nightly assembled up to the close of the Presidential election, and a respectable citizen declares, that since Mr. White's appointment, he circulated "bushels" of the "Globe." He declines to give his formal evidence in the case, upon the ground, that he being a near neighbor of Mr. W. he is unwilling to disturb the friendly personal relations existing between them.

Such was Mr. White's general political violence, and the unhesitancy with which he descended to the lowest means to secure the favor of the late administration, that no one doubted here but that he would be dismissed when the present party came into power, and no one can be more astonished than Mr. White is himself at his retention to the present time.

We will also take this opportunity to state, that we desire Mr. H. Addison to be appointed to the office of collector in Mr. White's place, whose abundant testimonials and recommendations of our business citizens, are already on file with the Secretary of the Treasury.

With great respect,
Your obedient servants.

CHAS. C. FULTON,
E. M. LINTHICUM,
RAP. SEMMES,
O. M. LINTHICUM,
WM. ROBINSON,
WM. S. NICHOLLS.
PAUL STEVENS.

P. S. It is further proper to state, that Mr. Addison's recommendations, filed with Mr. Ewing, *is* signed by every citizen in town, with a single exception, who have regular business to transact at the custom house.

A.—*Referred to in plaintiff's fifth bill of exceptions, page* 29.

Memorial of the citizens of Georgetown for the removal of Mr. White and appointment of H. Addison.

Hon. THOMAS EWING,
Secretary of the Treasury:

SIR: Earnestly requesting, as we now do, the immediate removal of Mr. Robert White from the office of collector of this port, we feel it proper to state, candidly, our insuperable objections to his continuance in that office.

At a time when a remorseless and vindictive majority in Congress were making *were making* a ruinous war upon all the business

interests of the country, by destroying confidence in the banking institutions, and when that majority *were* pursuing a most persecuting and ruinous course towards the defenceless and unoffending people of this district, Mr. White, for the mere purpose [of] evidencing his unscrupulous zeal in behalf of the late administration, and to secure its favor, did, under the most offensive circumstances, sign a violently abusive and most insulting memorial to Congress, urging, in the most decided manner, the adoption of fatal measures towards the banks, by compelling them to pay specie payments, when all the institutions of Maryland and Virginia had suspended, and thereby to be compelled to pursue a destructive and burthensome policy towards their customers.

The object of the memorial was to place something in the hands of our enemies, in the shape of an approval of their course, which was a gross deception.

This offence becomes greatly aggravated, when it is known that Mr. White knew, so far as his acquaintance went with his co-signers, that they were too grossly ignorant of business and banking to be able to express any opinion upon such a subject. The other signers, with the exception of two or three, were so wholly unknown to our business community that Mr. White would not be able to identify their persons or designate their residence. It is to be taken for granted that *there* were merely transient laborers, or persons so young as not then to have attracted the notice of our oldest and most observing citizens; some of them, indeed, were known to be small apprentices. So offensive and unpopular was the whole proceeding, that, with the exception of perhaps two others, (from whom our community would look for nothing better,) Mr. White was the only respectable man of business who could be induced to put his name upon the paper. His own purpose could never have been detected but for his appointment as collector, which so soon succeeded. Mr. White's experience in trade had taught him the indispensable necessity there was for banks in this district, and his intelligence and sense of justice were outraged by the declaration that our banks should be made to pay specie when the banks of our neighboring States, Virginia and Maryland, found it wholly impracticable so to do. He knew the gentlemen who had the management of our banks, directors as well as officers, and he knew they stood without reproach, and that it was wholly impossible that they could be influenced by the low and disreputable designs which his memorial so unscrupulously charged to them.

We think he is the last man to hold an office, the value of which depends upon the enterprize and integrity of the very men whose families and business were alike to be overwhelmed with ruin at his special application.

His removal from an office thus obtained would be doubly gratifying to us, when we know his family does [not] need its emoluments for support.

It can be proved that at his store, in which the office of collector is kept, there were almost nightly assemblages of the principal party men who sustained the late administration, and particularly during the fall of 1840.

A highly respectable man has stated that, during the latter part of the late canvass, he saw Mr. White preparing immense numbers of the newspaper, called the "*Washington Globe*" for circulation, but, being a neighbor of Mr. White, he is unwilling to appear as a witness against him. The language the gentleman used was, that "he had seen bushels of the Globe so prepared since his appointment as collector."

Under these circumstances, we would most respectfully ask you to dismiss Mr. White from the office, and that our fellow townsman, Mr. Henry Addison, who has already been recommended by most of us, may be appointed to fill it.

O. M. Linthicum,	Wm. Hayman,
Raphael Semmes,	Jos. Smoot,
Wm. Robinson,	Wm. S. Nicholls,
E. M. Linthicum,	James Thomas,
Peregrine Warfield,	Jeremiah Orme,
Robert Ould,	S. P. Waugh,
Wm. Jewell,	E. S. Wright,
William Laird,	J. Riley,
Wm. Lang,	W. S. Ringgold,
S. E. Scott,	J. I. Stull.

B.—*Referred to in plaintiff's fifth bill of exceptions, page* 29.

Messrs. Linthicum, Laird and Nicholls, as to conduct of collector of Georgetown.

GEORGETOWN, *June* 19, 1841.

SIR: About a year ago the Hon. A. Duncan, of Ohio, was invited by a number of office holders and others to hold a political meeting in this town.

The meeting was held on the 26th June, 1840, and the proceedings were published in the Globe on or about the 3d July.

Mr. Robert White, our collector of customs, acted as one of the vice presidents of the meeting, and who was so tickled and delighted with Duncan's vile calumnies upon Gen. Harrison that he arose and made the motion that he (Duncan) would prepare the speech for publication. The address was said to be one of the vilest, and, if you desire it, a copy shall be presented for your perusal. The persons who moved the resolutions, and one of the secretaries, were clerks in the departments.

We now hand you a copy of two of the resolutions, and an account of the proceedings, which we present separate, for your immediate and convenient notice, referring you at the same time to the very lengthy account to be found in the Globe of the date mentioned above.

You will see that the copy now sent applies the following language to General Harrison: "Nominee of the bank whigs, federalists, abolitionists and *antimasons.*" "*Fraud and concealment*"—"*grossly insulting common sense, decency and honesty, by shrouding himself in darkness*"—"*of courting dangerous fanatics, and countenancing them in their mad warfare upon our peace, property and lives.*" *He should be treated as an abolitionist.*

This conduct of Mr. White, in connexion with his signature being placed to the infamous anti-bank memorial, which a delegation from town left in your hands when Mr. White's removal was first requested, renders him extremely offensive to the whigs here. We again would take the opportunity to remind you of our earnest hope that Mr. H. Addison will be appointed to that office, whose full and abundant testimonials are already in your possession.

The continuance of Mr. White is mortifying to every real friend of the administration here.

With respect, your obedient servant,

O. M. LINTHICUM,
WILLIAM LAIRD,
WM. S. NICHOLLS.

Hon. T. EWING,
Secretary of the Treasury.

O. M. Linthicum and others, to the President.

C, referred to in plaintiff's 5th bill of exceptions, page 29.

GEORGETOWN, *Sept.* 21, 1841.

SIR: Should any paper be sent to you, contradicting in any manner a representation made by ourselves to the conduct of Mr. White, late collector of this port, we will thank you to let us have a copy of that paper, with the names appended thereto, that we may see in what particular, and to what extent, our statement may have been contradicted, and by whom.

With great regard, we are, sir, your obedient servant,

O. M. LINTHICUM,
W. ROBINSON,
WILLIAM LAIRD,
RAPH. SEMMES,
WM. S. NICHOLLS,
D. ENGLISH, Jr.

To His Excellency,
JOHN TYLER, *President U. S.*

H. Addison to the President.

D, referred to in plaintiff's 5th bill of exceptions, page 29.

GEORGETOWN, *September* 23, 1841.

SIR: I feel bound to make to you this statement, in consequence of a report which has reached my ears, that Mr. Robert White,

with Captain Carbery, and B. Mackall, are endeavoring, by their joint influence and representations, to injure me in your estimation. It is due no less to you, than to my friends and myself, to write you this letter, in which I shall omit every thing that is not really necessary to be stated.

As to Mr. White, I feel warranted in assuring you that the representations made to you by my friends in regard to him, are true throughout, of which fact they will be able to furnish you the abundant evidence. No man of character here would hazard the intimation that these friends of mine would possibly descend to a misrepresentation in regard to Mr. White or any one else.

For all they have stated they can produce a mass of evidence too strong to be doubted.

In relation to Mr. Carbery, I have only to refer you to my letter to you of the 23d August, and its accompanying papers. I would take much pleasure in furnishing you with any further explanations in regard to that case that you might desire.

It is wholly impossible that Mr. Mackall can have the least ground for complaint, as I can supply you with abundant proof that there was no employment here for him whatever, nor any prospect of need of his services at any time hereafter. All the labor performed by him, since I have been appointed to this office, was merely to sign a receipt for his pay. He, or his friends for him, appealed to the Secretary of the Treasury, and seemed to have succeeded in producing an impression on his mind that I was meditating an unjust proceeding towards Mr. Mackall—all this, too, before I had said or written a word to Mr. Ewing upon the subject. He wrote me that Mr. Mackall must not be removed until I assigned him my reasons for so doing. I obeyed his order; but, on the very day I wrote him that there were no service for Mr. Mackall to perform, Mr. Ewing instructed me to discontinue the office. Mr. Mackall still complained to the Secretary, who wrote me to come to the Treasury Department. I went, and after hearing my statement, he said he was then satisfied that I had done what was proper in the case. I did not feel at all hurt at the course taken by Mr. Ewing, because I knew that the whole matter had been grossly misrepresented to him. I had been waited upon by a friend, who earnestly remonstrated with me upon the subject of abolishing Mr. Mackell's office; as he said that, in that case, the influence of a powerful family connection would be immediately wielded against me. I did not exactly see the propriety of being governed by such apprehensions, and took the course prompted by my sense of duty, and relying confidently upon the favorable result of an impartial investigation, should any difficulty occur.

There is but little revenue collected at this port, and I felt it to be my duty to conduct its business with as little expense as pos-